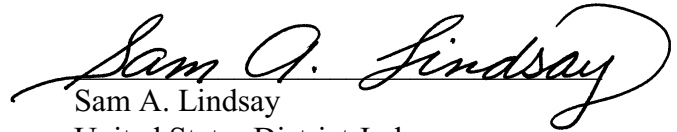


(Doc. 11) by the magistrate judge denying his request to supplement the record with documents supporting his claims.

Having reviewed the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **overrules** Plaintiff's objections; **denies** Plaintiff's Petition for Pre-Trial Hearing, Request/Motion for Default Judgment (Doc. 13); **dismisses with prejudice** Plaintiff's request for habeas relief under 42 U.S.C. § 1983 for failure to state a claim; and **dismisses with prejudice** his remaining claims as frivolous until he satisfies the conditions in *Heck v. Humphrey*, 512 U.S. 477 (1994). Dismissal of the claims asserted by Plaintiff is pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii), which applies to frivolous claims and claims that fail to state a claim on which relief may be granted that are subject to screening under 28 U.S.C. § 1915(e)(2).

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court **concludes** that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 14th day of January, 2019.


Sam A. Lindsay
United States District Judge